IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.6007 of 2004**

DATE OF DECISION: November 13, 2006

SHAKUNTLA DEVI & ORS. ...PETITIONERS

VERSUS

STATE OF HARYANA & OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MRS. JUSTICE NIRMAL YADAV.

PRESENT: MS. SEEMA NARANG, ADVOCATE FOR THE PETITIONERS.
MR. R.S. KUNDU, ADDL.A.G., HARYANA.

ASHUTOSH MOHUNTA, J. (ORAL)

The petitioners have prayed for quashing the notifications dated 21.11.2002 and 4.11.2003 issued under Section 4 & 6 of the Land Acquisition Act (for short 'the Act'), respectively. The land has been acquired vide the aforementioned notifications for the public purpose, namely, for development of Industrial Estate, Phase-II, Sonepat. It has been prayed in the writ petition that proper procedure was not followed while disposing of the objections under Section 5-A of the Act. It has further been argued that construction raised by the petitioners is A-class and therefore, the land of the petitioners cannot be acquired. It is further contended that even the Land Acquisition Collector had recommended that the land of the petitioners be released from acquisition.

Reply has been filed on behalf of respondent No.5 wherein it has been averred that in pursuance to issuance of notifications acquiring the land of the petitioners, award has been passed on 3.11.2004 and the petitioners have already received the compensation not only of the land but

also of the super structures. It is further been stated in the written statement that the petitioners have also filed reference petition under Section 18 of the Act.

In view of the fact that the award has already been passed in the present case and that the petitioners have also received compensation of the land in dispute and the super structures from the Land Acquisition Collector vide Cheque No.758663 dated 19.1.2005 amounting to Rs.23,26,786/-, Cheque No.358664 dated 19.1.2005 amounting to Rs.17,03,599/- and Cheque No.758626 dated 15.12.2004 amounting to Rs.14,18,950/- as well as the fact that the petitioners have already preferred a reference petition before the Court of District Judge, therefore, the land of the petitioners is free from all incumbrances and has vested in the state.

In view of the above, the writ petition is dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

November 13, 2006
Gulati

(NIRMAL YADAV)
JUDGE